

The Gazette of India



EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 41] NEW DELHI, WEDNESDAY, JULY 27, 1955

AJMER STATE GOVERNMENT

Law and Judicial Department

Ajmer, the 18th July, 1955.

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 30th June, 1955 and is hereby published for general information:—

THE AJMER ARMED CONSTABULARY ACT, 1955

Act No. V of 1955

An Act to provide for the constitution and regulation of the Ajmer Armed Constabulary.

BE it enacted by the Legislative Assembly of the State of Ajmer as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Ajmer Armed Constabulary Act, 1955.

(2) It extends to the whole of the State of Ajmer.

(3) It shall come into force on such date, as the Chief Commissioner may, by notification in the Official Gazette, appoint.

2. Interpretation.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “active duty” means the duty to restore and preserve order in any local area in the event of any disturbance therein;

(b) “close arrest” means confinement within the Constabulary or a detachment of the Constabulary or a post quarter-guard, building or tent under charge of a guard;

(c) “Constabulary” means the Ajmer Armed Constabulary;

(d) “member of the Ajmer Armed Constabulary” means a person who has been appointed to the Ajmer Armed Constabulary under this Act and who has signed the statement in

the Schedule to this Act in accordance with the provisions of this Act;

(e) "open arrest" means confinement within the precincts of any barracks, lines or camp for the time being occupied by any part of the Constabulary;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "State Government" means the Chief Commissioner of the State of Ajmer;

(h) "subordinate officer" means a member of the Constabulary of the rank of Subedar and Jamadar;

(i) "superior officer" means in relation to any Officer of the Constabulary any officer of a rank which is higher than that of such officer in accordance with rules made under section 17;

(j) the expressions "assault", "criminal force", "fraudulently", "reason to believe" and "voluntarily causing hurt" have the meanings assigned to them respectively, in the Indian Penal Code, 1860 (Act XLV of 1860).

(2) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. Constitution of the Constabulary.—The State Government may constitute for the State of Ajmer an armed force known as the Ajmer Armed Constabulary and thereupon the provisions of this Act shall apply to the members thereof.

4. Appointment and powers of superior officers.—(1) The State Government may appoint to the Constabulary a Commandant and such other persons as it thinks fit to be Assistant Commandant and Company Commander.

(2) The Commandant and every other officer so appointed shall have, and may exercise, such powers and authority as may be provided by or under this Act.

5. Enrolment and discharge of members of the Constabulary.—(1) Before any person whether already enrolled in the Ajmer Police under the Police Act, 1861 (V of 1861) or not so enrolled, is appointed to be a member of the Ajmer Armed Constabulary, the statement in the Schedule shall be read out and, if necessary, explained to him by a Commandant or Assistant Commandant and shall be signed by him in acknowledgment of its having been so read and explained to him and shall be attested by the Commandant or Assistant Commandant, as the case may be:

Provided that any person who has for a period of six months served with the Constabulary shall, on appointment to the Constabulary thereafter, be deemed to be a member of the Constabulary notwithstanding that the provisions of this section have not been complied with in his case.

(2) No member of the Constabulary shall be at liberty to—

(a) resign his appointment during the term of his engagement except before the expiration of the first three months of his service; or

(b) withdraw himself from all or any of the duties of his appointment without the previous permission in writing of the Commandant or Assistant Commandant or any other officer authorised by the Commandant to grant such permission.

6. General duties of members of the Constabulary.—It shall be the duty of every member of the Constabulary promptly to obey and to execute all orders and warrants lawfully issued to him by a superior officer, to detect and bring offenders to justice and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist.

7. Superintendence, control and administration of the Constabulary.—The superintendence of, and control over, the Constabulary shall vest in the State Government and the Constabulary shall be administered by the State Government in accordance with the provisions of this Act and of any rules made thereunder, through such officers as the State Government may from time to time appoint in this behalf.

8. Heinous offences.—Every member of the Constabulary who—

(a) begins, excites, causes or conspires to cause or joins in any mutiny, or being present at any mutiny, does not use his utmost endeavour to suppress it, or knowing, or having reason to believe in, the existence of any mutiny, or of any intention or conspiracy to mutiny or of any conspiracy against the State does not, without delay, give information thereof to his superior officer; or

(b) uses, or attempts to use, criminal force or commits an assault on, his superior officer, whether on or off duty, knowing or having reason to believe him to be such officer; or

(c) shamefully abandons or delivers up any post or guard which is committed to his charge, or which it is his duty to defend; or

(d) directly or indirectly holds correspondence with, or assists or relieves any person in arms against the State or omits to discover immediately to his superior officer any such correspondence coming to his knowledge; or

while on active duty—

(e) disobeys the lawful command of his superior officer; or

(f) deserts or attempts to desert the Constabulary; or

(g) being a sentry, sleeps or quits his post without being regularly relieved or without leave; or

(h) leaves his superior officer, or his post or party, to go in search of plunder; or

- (i) quits his guard, picket, party or patrol without being regularly relieved or without leave; or
- (j) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard or breaks into any house or other place for plunder, or plunders, destroys or damages property of any kind; or
- (k) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters; or
- (l) displays cowardice in the execution of his duty; or
- (m) commits or attempts to commit an offence of an unnatural kind; or
- (n) dishonestly misappropriates or converts to his own use money, provisions, arms, clothing, ammunitions, tools, equipment or accoutrements or any other article being the property of the Government entrusted to him; or
- (o) dishonestly receives or retains such articles being the property of the Government knowing or having reason to believe the same to have been dishonestly misappropriated by a person to whom it was trusted; or
- (p)
 - (i) knowingly helps or harbours a deserter;
 - (ii) helps a person subject to this Act to desert;
 - (iii) knowing or having reason to believe that a person has deserted or a deserter has been harboured by another person, fails to give information thereof without delay to his superior officer or fails to use his utmost endeavour to cause such deserter to be apprehended;

shall be punishable with transportation for life or with imprisonment for a term which may extend to fourteen years or with fine which may extend to three months' pay or with both.

9. Other offences.—Every member of the Constabulary who—

- (a) is in a state of intoxication when on any duty or on parade or on the line of march; or
- (b) strikes, forces or attempts to force any sentry; or
- (c) being in command of a guard, picket or patrol, refuses to receive any prisoner or person duly committed to his charge, or without proper authority releases any person or prisoner placed under his charge or negligently suffers any such prisoner or person to escape; or
- (d) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by lawful authority; or
- (e) is insubordinate or insolent to his superior officer in the execution of his office; or

(f) refuses to superintend or assist in the making of any field work or other work of any description ordered to be made either in quarters or in the field; or

(g) strikes or otherwise ill-uses any member of the Constabulary subordinate to him in rank or position; or

(h) designedly or through neglect, injures or loses or dishonestly disposes of his arms, clothes, tools, equipments, ammunition or accoutrements, or any such article entrusted to him or belonging to any other person; or

(i) malingerers or feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity; or

(j) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or

(k) does not, when called upon by his superior officer so to do, or upon ceasing to be a member of the Constabulary, forthwith deliver up, or duly account for all or any arms, ammunition, stores, accoutrements or other property issued or supplied to him or in his custody or possession as such member; or

(l) knowingly furnishes a false return or report of the number or state of any man under his command or charge or of any money, arms, ammunition, clothing, equipment, stores, or other property in his charge, whether belonging to such man or to the Government or to any member of, or any person attached to, the Constabulary, or who through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid; or

(m) absents himself without leave, or without sufficient cause overstays leave granted to him; or

(n) is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and discipline; or

(o) contravenes any provision of this Act for which no punishment is expressly provided; or

(p) neglects to obey General or Standing or other lawful orders; or

(q) without sufficient cause fails to appear at the time fixed at the place appointed for parade or duty; or

(r) makes a false accusation against a person subject to this Act knowing such accusation to be false; or

(s) while not on active duty, commits any of the offences specified in clauses (e) to (i), (k) and (l) of section 8;

shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to three months' pay or with both.

10. Minor punishment.—(1) The Commandant or any other authority or officer as may be prescribed, may, subject to any rules made under this Act, award in lieu of, or in addition to, suspension or dismissal, any one or more of the following punishments to any member of the Constabulary for the commission of any petty offence against discipline which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call for prosecution before a criminal court, that is to say,—

- (a) confinement to the quarter-guard, or such other place, as may be considered suitable, for a term which may extend to twenty-eight days involving the forfeiture of all pay and allowances for the period of confinement, if specifically ordered;
- (b) punishment drill, extra guard, fatigue or other duty, not exceeding twenty-eight days in duration, with or without confinement to the lines;
- (c) in the case of an enrolled non-combatant, fine not exceeding seven days' pay;
- (d) reduction in rank;
- (e) fine of any amount not exceeding one month's pay and allowances;
- (f) censure or severe censure:

Provided that this punishment may be awarded to a subordinate officer only by the Commandant:

Provided further that punishments specified in clause (a) or clause (b) of this sub-section shall not be awarded to a subordinate officer.

(2) Any of the punishments specified in sub-section (1) may be awarded separately or in combination with any one or more of the others, but no award or awards including confinement to the lines shall exceed twenty-eight consecutive days, and punishment of fine shall not be combined with an award of confinement.

(3) The Assistant Commandant, Company Commander or a subordinate officer commanding a separate detachment or an outpost or in temporary command at the Headquarters of the Constabulary may award to any member of the Constabulary lower in rank who is for the time being subject to his authority, any of the punishments specified in clauses (a), (b), or (f) of sub-section (1).

11. Reversion.—The Commandant may at any time revert to the Ajmer State Police Force a member of the Constabulary.

12. Place of imprisonment and liability to dismissal on imprisonment.—(1) A person sentenced under this Act for imprisonment for a period exceeding 3 months shall be deemed to have been dismissed from the Constabulary and shall be imprisoned in the Central Jail, Ajmer.

(2) A person sentenced under this Act for imprisonment for a period not exceeding 3 months may, if the Commandant, or subject

to his control an Assistant Commandant, so directs be confined in the quarter-guard or such other place as the Commandant or the Assistant Commandant may consider suitable.

13. Deductions from pay and allowances.—The following penal deductions may be made from the pay and allowances of a member of the Constabulary by his Company Commander, that is to say,—

(a) all pay and allowances for everyday of absence either on desertion or without leave and for everyday of imprisonment awarded by a criminal court;

(b) all pay and allowances for everyday whilst he is in custody on a charge for an offence of which he is afterwards convicted;

(c) all pay and allowances for everyday on which he is in hospital on account of sickness certified by the medical officer attending on him at the hospital to have been caused by an offence committed by him under this Act;

(d) all pay and allowances ordered to be forfeited under section 10; and

(e) such sum as may be ordered by the Commandant or Company Commander in order to make good any expenses caused by the member of the Constabulary, or any loss of or damage or destruction done by him to, any arms, ammunition, equipment, clothing, instruments, or decorations belonging to the Constabulary or to any buildings or property.

14. Arrest.—(1) Any member of the Constabulary who commits any offence specified in section 8 or section 9 may be placed on open or close arrest by any officer of the Constabulary.

(2) No officer of the Constabulary shall detain in custody any member arrested under sub-section (1) for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167 of the Code of Criminal Procedure, 1898 (V of 1898), exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

15. Powers and duties conferable and imposable on members of Constabulary.—(1) The State Government may, by general or special order, confer or impose upon any member of the Constabulary any of the powers or duties conferred or imposed on a police officer of any class or grade by any law for the time being in force.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898) the State Government may invest the Commandant or Assistant Commandant with the powers of a Magistrate of any class for the purpose of enquiring into or trying any offence committed by a member of the Constabulary and punishable under this Act or any offence committed by a member of the Constabulary against the person or property of another member:

Provided that—

(i) when the offender is on leave or absent from duty; or

(ii) when the offence is not connected with the offender's duties as a member of the Constabulary; or

(iii) when it is petty offence, even if connected with the offender's duties as a member of the Constabulary;

the offence may, if the prescribed authority within the limits of whose jurisdiction the offence has been committed so directs, be enquired into or tried by an ordinary criminal court having jurisdiction in the matter.

16. Protection for acts of members of the Constabulary.—(1) In any suit or proceeding against any member of the Constabulary for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, that member of the Constabulary shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any member of the Constabulary for anything done under the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder, shall be commenced within three months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceeding.

17. Power to make rules.—(1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) regulating the classes and grades of, and the pay, pension and other remuneration of members of the Constabulary, and their conditions of service in the Constabulary;

(b) regulating the powers and duties of officers authorised to exercise any functions under this Act;

(c) fixing the period of service for members of the Constabulary;

(d) regulating the award of minor punishments under section 10 and providing for appeals from or the revision of orders under that section, or the remission of fines imposed under that section, and the remission of deductions made under section 13;

(e) regulating the several or collective liability of members of the Constabulary in the case of the loss or theft of weapons and ammunition;

(f) for the disposal of criminal cases arising under this Act and for specifying the prison in which a person convicted in any such case may be confined.

THE SCHEDULE**Recruiting Roll****[See section 5 (1)]**

After you have served in the Constabulary for such period as the State Government may prescribe you may, at any time when not on active duty, apply for discharge through the officer to whom you may be subordinate, to the Commandant, and you will be granted your discharge after two months from the date of your application, unless your discharge would cause the vacancies in the Constabulary to exceed one-tenth of the sanctioned strength in which case you shall be bound to remain until this objection is waived or removed. But when on active duty, you shall have no claim to a discharge, and you shall be bound to remain to do your duty until the necessity for retaining you in the Constabulary ceases when you may make your application in the above mentioned manner:

Provided that, if you wish to withdraw from the Constabulary, you may submit your resignation at any time before the expiration of the first three months of your service, but not afterwards until the completion of the period prescribed as aforesaid; the Commandant may either accept your resignation forthwith or at the end of three months from the date of its receipt;

Provided, also, that the Commandant may, if he thinks fit, allow you to resign at any time on your giving three months' notice of your wish to do so.

Signature of the member of the Constabulary in acknowledgment of the above having been read out to him.

Space for impression of the member's left thumb to be taken in the presence of the enrolling officer.

Signed in my presence after
had ascertained that the
candidate understood the
purport of what he signed.

Place:

Date:

Commandant
or other authorised enrolling officer.

V. N. BHATIA,
Government of Ajmer.

